

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|---------------------------|---|-------------------|
| United States of America, |) | |
| |) | Cr. No. 1:11-2132 |
| vs. |) | |
| |) | |
| Jerry Lee Pitts, |) | ORDER |
| |) | |
| Defendant. |) | |
| |) | |

Defendant Jerry Pitts pleaded guilty on April 25, 2012, to conspiracy to possess with the intent to distribute 50 grams or more of methamphetamine and 500 grams or more of a mixture containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 846. Defendant was sentenced on November 1, 2012, to incarceration for a period of 137 months, to run concurrently with the undischarged term of imprisonment he was serving in the South Carolina Department of Corrections. Judgment was entered on November 2, 2012. (ECF No. 278) An amended judgment was entered on January 7, 2015, pursuant to Fed. R. Crim. P. 35(b), which reduced Defendant's sentence to 121 months incarceration, to run concurrently with the undischarged term of imprisonment he was serving in the South Carolina Department of Corrections. (ECF No. 436) A second amended judgment was entered on June 19, 2015, pursuant to Amendment 782 of the United States Sentencing Guidelines, which reduced Defendant's incarceration to 108 months, to run concurrently with any undischarged term of imprisonment Defendant may be serving in the South Carolina Department of Corrections.

This matter is before the court on motion for credit for time served prior to sentencing, which motion was filed by Defendant on November 6, 2015. Defendant states that, when he originally was sentenced, the court "backdated 14 months for the time [he] was serving prior to sentencing" and that

the Bureau of Prisons refuses to start his federal sentence before he was sentenced on November 2, 2012. Defendant seeks credit for “at least the 14 months from when I was indicted to sentencing.”

Contrary to Defendant’s recollection, the court did not grant Defendant credit for time served in state custody prior to entry of his federal sentence on November 2, 2012. Defendant’s federal custody commenced with entry of judgment on November 2, 2012. Defendant’s motion for credit for time served (ECF No. 498) is **denied**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

April 27, 2016